

BC

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SCANNED

JOHN BAX,

Petitioner,

C.A. No. 05-194 Erie  
District Judge McLaughlin  
Magistrate Judge Baxter

vs.

WARDEN, FCI McKean

Respondent.

FILED  
CLERK  
U.S. DISTRICT COURT

06  
AUG -4 AM 1:10

FILED

MOTION FOR ENLARGEMENT OF TIME  
TO FILE OBJECTION TO REPORT & RECOMMENDATION

NOW COMES, Petitioner, John Bax, pro-se, and moves this Honorable Court, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, to enlarge the time for filing objections to the Magistrate Judge's Report and Recommendation. In support, he respectfully submits as follows:

1. Petitioner received his copy of the report and recommendation by Certified U.S. Mail with Return Receipt on August 1, 2006.

2. Petitioner requires the assistance of another prisoner, who has some training in civil litigation and is also familiar with the jurisdictional issue that forms the basis for the magistrate judge's recommendation that the § 2241 petition should be dismissed by the Court for lack of subject matter jurisdiction.

3. The prisoner assisting Petitioner is currently completing a petition for writ of certiorari for another prisoner and cannot begin to help prepare Petitioner's objections to the report and recommendation until his current obligation is completed.

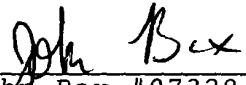
4. Petitioner is unable to proceed in this matter without the assistance of this assisting prisoner as he lacks the skill and training to do so.

5. The assisting prisoner should be prepared to review the report and recommendation and to research the issues involved within the next five days. This time frame is reasonable given prisoner access to the law library must be, unless otherwise approved, during a prisoner's leisure time activity.

**C O N C L U S I O N**

**WHEREFORE**, for the reasons stated above, Petitioner respectfully request this Honorable Court extend the time for filing his objections to the Magistrate Judge's Report and Recommendation up to and including August 18, 2006.

Date: 8-4-06

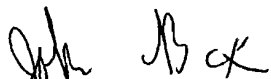
  
\_\_\_\_\_  
John Bax #07328-067  
Petitioner/Pro-se  
FCI McKean  
P.O. Box 8000  
Bradford, PA 16701

**CERTIFICATE OF SERVICE**

The undersigned certifies that on the date listed below a true and correct copy of the foregoing was conveyed to prison authorities for mailing with First Class U.S. postage prepaid and properly addressed to the following party:

Christy Wiegand  
Assistant U.S. Attorney  
U.S. Courthouse and Post Office  
~~700 Grant Street, Suite 4000~~

Date: 8-4-06

  
\_\_\_\_\_  
John Bax #07328-067  
Petitioner/Pro-se  
FCI McKean  
P.O. Box 8000  
Bradford, PA 16701

Federal Correctional Institution McKean  
Name: Mr John Brax  
Reg #: 07328067  
P.O. Box 8000  
Bradford, PA 16701

RECEIVED

AUG 10 2006

CLERK U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIA

Clerk's Office  
US District Court  
P.O. Box 1620  
Erie, PA. 16507

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ERIE PA 165

8.7.06

Please sign and  
return the  
attached documents.  
DM  
Deputy Clerk

16507+0020

